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Attorneys for Defendant Harvey Weinstein

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

KELLYE CROFT,

Plaintiff,

vs.

JAMES DOLAN; HARVEY  
WEINSTEIN; JD & THE STRAIGHT  
SHOT, LLC; THE AZOFF COMPANY  
HOLDINGS LLC f/k/a AZOFF MUSIC  
MANAGEMENT, LLC; THE AZOFF  
COMPANY LLC f/k/a AZOFF MSG  
ENTERTAINMENT, LLC; DOE  
CORPORATION 1-10,

Defendants.

Case No. 2:24-cv-00371-PA (AGR)

**DECLARATION OF PHYLLIS  
KUPFERSTEIN IN SUPPORT OF  
DEFENDANT HARVEY  
WEINSTEIN'S MOTION TO  
STAY**

Date: July 22, 2024

Time: 1:30 p.m.

Location: Courtroom 9A

Judge: Hon. Percy Anderson

PHYLLIS KUPFERSTEIN, pursuant to 28 U.S.C. § 1746, declares under the penalty of perjury, as follows:

1. I am a Partner at Kupferstein Manuel LLP, counsel for Defendant Harvey Weinstein ("Mr. Weinstein"). This declaration is submitted in support of Mr. Weinstein's Motion to Stay ("Mr. Weinstein's Motion"). I have personal knowledge of the facts set forth here, and if called and sworn as a witness could testify truthfully to the following:

2. At Defendant's request, counsel for both Plaintiff and Defendant met and conferred by Zoom video conference on April 2, 2024. In that meeting, I asked

1 if Plaintiff would stipulate to a stay of the action as to Defendant because of the  
2 pending criminal proceedings in California and New York. I explained that  
3 Defendant should not be placed in the position of having to waive his Fifth  
4 Amendment rights by responding to the Complaint and participating in discovery.  
5 I further stated that other civil federal cases in the Central District of California  
6 had granted stays, as had at least two cases in Los Angeles Superior Court.  
7 Plaintiff's counsel said they would discuss our request with their client.

8 3. On April 4, 2024, Meredith Firetag, counsel for Plaintiff, sent an email  
9 to me and other defense counsel stating: "[We] have consulted with our client and  
10 are writing to let you know that Plaintiff does not consent to a stay of this action  
11 as to Harvey Weinstein." A true copy of that email is attached as Exhibit A.

12 4. Stay orders have been granted and remain in effect in several civil  
13 cases brought against Defendant. Based on the same arguments set forth in  
14 Defendant's Motion to Stay here, Judge Philip S. Gutierrez granted Defendant's  
15 motion to stay in *Judd v. Weinstein*, 2:18-cv-05724 PSG (FFMx), on April 2, 2019  
16 (Dkt. 62 at 7) ("Taking all factors into account, the Court concludes that it is in the  
17 interest of justice to stay this case.").

18 5. The *Judd* case was administratively closed on July 7, 2023 (Dkt. 103),  
19 "[b]ased on the status of the criminal cases referenced in the parties' joint status  
20 report," but "can be reopened by ex parte application of any party."

21 6. In *Loman v. Weinstein*, 2:18-cv-07310-CBM-KS, Judge Consuelo B.  
22 Marshall granted a stay on August 9, 2019 (Dkt. 37), which remains in effect.

23 7. Defendant's motion to stay was granted February 28, 2019, by Judge  
24 Stephen V. Wilson in *Dominique Huett v. The Weinstein Company LLC*, No. CV  
25 18-6012 SVW (MRWx) (Dkt. 50).

26 8. Stays have been ordered in the following civil cases against Defendant  
27 in Los Angeles Superior Court ("LASC"): *Gripp v. Weinstein*, LASC Case No.  
28 21STCV11877 (stay ordered January 7, 2022); *Doe v. Weinstein*, LASC Case No.

1 21STCV34987 (stay ordered January 19, 2023); and *Doe v. Weinstein*, LASC Case  
2 No. 23SMCV05932 (stay ordered April 22, 2024). All three stays remain in effect,  
3 as reflected in the dockets of those cases. See Exhibits B-D.

4 9. Attached as Exhibit E is a true and correct copy of the decision in *Judy*  
5 *Huth v. William Henry Cosby, Jr.*, BC565560 (Cal. Sup. Ct. Mar. 30, 2016).

6  
7 Dated: June 20, 2024

**KUPFERSTEIN MANUEL LLP**

8 By: /s/ Phyllis Kupferstein

9 Phyllis Kupferstein

10 *Attorneys for Defendant Harvey Weinstein*  
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